

NOTES SUBMITTED
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MARKED COPY OF CLAIMS

SERIAL NO. 09/723,868

DOCKET: FANEUF 00.02

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Appl. Serial No. 09/723,868
Docket No. FANEUF 00.02

MARKED CLAIMS SHOWING CHANGES MADE

Please amend claims 1 and 12 to read as follows:

1. (Amended) An apparatus for holding a fish, comprising:

a molded plastic clip having two or more opposing protrusions moveable between a first position and a second position, the protrusions urged towards one another by a biasing member to create a gripping force between the protrusions, in the first position, the gripping force capable of holding a fish without punching a hole in the fish, and

a length of rope having a loop formed at a first end, the loop securing the rope to the clip, the loop capable of exerting a force on the biasing member thereby increasing the gripping force.

12. (Amended) An apparatus for holding a fish, comprising:

a clip formed of two or more molded plastic elongated rigid members, the rigid members having a first end and a second end, the rigid members each having a gripping portion at the first end for holding a fish without punching a hole in the fish, the rigid members rotatable about a spacer located between the first end and the second end, a biasing member coupled to the rigid members urging the second ends to move away from one another and the first ends to move towards one another, and

a length of rope coupled to the biasing member, the rope capable of exerting a force on the biasing member further urging the second ends of the rigid members to move away from one another.

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Docket No. FANEUF 00.02*B2
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at the first end for holding a fish without punching a hole in the fish, the rigid members rotatable about a spacer located between the first end and the second end, a biasing member coupled to the rigid members urging the second ends to move away from one another and the first ends to move towards one another, and

a length of rope coupled to the biasing member, the rope capable of exerting a force on the biasing member further urging the second ends of the rigid members to move away from one another.

REMARKS

Independent claims 1 and 12 have been amended to clarify that the clip is formed of molded plastic, and is capable of holding a fish without punching a hole in the fish. These two features are important advantages of the present invention which are not found in the prior art. In fact, these features have contributed to the commercial success of the claimed invention. In this regard, attached hereto as Exhibit A are copies of several unsolicited third-party testimonials and/or reprints of product reviews attesting to the two-fold advantages of the instant claimed invention of (1) not rusting, or (2) punching a hole in the fish. The Johnson reference fails in both counts. It is made of metal, and it requires either punching a hole through the lip of a fish, or stringing through the fish's gills, which could also damage the fish.

The enclosed product endorsements not only demonstrate the significant advantages of the claimed invention over the prior art, but also demonstrate that the present claimed invention has satisfied a long-felt need, namely, to provide a fish culling system that (1) does not rust, and (2) does not harm the fish by punching a hole in the fish.

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Appl. Serial No. 09/723,868
Docket No. FANEUF 00.02

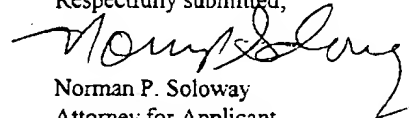
Evidence of commercial success, long-felt need and third-party endorsements are secondary considerations relevant to the issue of non-obviousness and patentability. The enclosures to this Amendment clearly demonstrate the nexus between the claimed features that contribute to the commercial success and third-party endorsements, and that overcome a long-felt need.

The foregoing Amendment makes no changes that would require further search or consideration by the Examiner. Originally filed claims 2 and 13 both specify that the clip was molded, while original claims 3 and 14 both specify that the clip is molded an acetal resin. Thus, the Examiner already should have searched these features. The other added language "without punching a hole in the fish" is functional language which also should have been considered previously by the Examiner. Accordingly, entry of the foregoing Amendment, and allowance of the Application are respectfully requested.

Pursuant to 37 CFR 1.121, a marked copy of the amended claims showing the changes made therein accompanies this Amendment. No new matter has been entered by this Amendment.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



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I hereby certify that this correspondence is being sent via facsimile to Examiner
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